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08/17/98  
JCS41 U.S. PTO

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application for Reissue of:  
Patent No. 5,602,905

Patentee: RICHARD P. METTKE

Issued: February 11, 1997

For: ON-LINE COMMUNICATION  
TERMINAL/APPARATUS

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Attorney Docket No.: 6388.005

JCS88 U.S. PTO  
09/134831  
08/17/98

REISSUE APPLICATION TRANSMITTAL LETTER

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

CERTIFICATE OF MAILING 37 C.F.R. 1.10	
I hereby certify that this correspondence is being deposited with the U. S. Postal Service as Express Mail, under Express Mail No. EL157449783US addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, Attn: BOX 7, on the date indicated below.	
8-17-98 Date	<i>Reginald L. Howard</i> Signature

Enclosed for filing please find the Reissue Application papers of Richard P. Mettke.

This application is a reissue of U.S. Patent No. 5,602,905 issued on February 11, 1997 for On-line Communication Terminal/Apparatus to the above named inventor. The following documents are enclosed:

1. Reissue Declaration of Richard P. Mettke pursuant to 37 C.F.R. § 1.63 and 1.175(a);
2. Power of Attorney;
3. Offer to Surrender;
4. Order for Title Report;
5. Information Disclosure Statement (including PTO Form 1449A/PTO and copies of references cited thereon);
6. Postcard Receipt;
7. A paper entitled "Amendment" which includes proposed Reissue Claims;
8. Statement Claiming Small Entity Status;
9. A paper entitled "Notice of Litigation;"
10. Copy of U.S. Patent 5,602,905 which has 5 pages of specifications (including abstract, drawings, and detailed description of the invention) and 5 claims; and

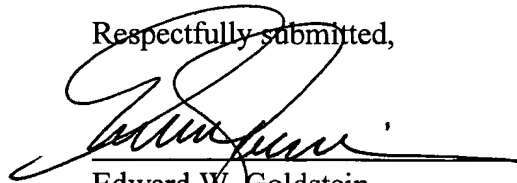
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11. A check in the amount of \$461.00 (filing fee, \$395.00, reissue independent claims over original patent, \$41.00, Abstract of title, \$25.00).

If for any reason the check is missing or insufficient, the Commissioner is authorized to charge any additional fees which may be required (or credit any overpayment) to Deposit Account No. 20-1299; Order No. 6388.005/EWG.

If any additional informalities are identified by the Examiner, please contact the undersigned attorney at (713) 877-1515.

Respectfully submitted,



Edward W. Goldstein

Reg. No. 22945

TOBOR & GOLDSTEIN, L.L.P.

1360 Post Oak Blvd., Suite 2300

Houston, TX 77056

Telephone: 713/877-1515

Facsimile: 713/877-1145

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application for Reissue of:  
Patent No. 5,602,905

Patentee: RICHARD P. METTKE

Issued: February 11, 1997

For: ON-LINE COMMUNICATION  
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Attorney Docket No.: 6388.005

**OFFER TO SURRENDER**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

In accordance with the provisions of 37 C.F.R. § 1.171 and 37 C.F.R. § 1.178, the undersigned patentee of Letters Patent for On-Line Communication Terminal/Apparatus, U.S. Patent No. 5,602,905, issued on February 11, 1997, hereby offers to surrender the original Letters Patent.

A request for Order for Title Report as required for such application is filed concurrently herewith.

By: \_\_\_\_\_

Richard P. Mettke

Date: 8-13-98  
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application for Reissue of:  
Patent No. 5,602,905

Patentee: RICHARD P. METTKE

Issued: February 11, 1997

For: ON-LINE COMMUNICATION  
TERMINAL/APPARATUS

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Attorney Docket No.: 6388.005

**ORDER FOR TITLE REPORT**

Assistant Commissioner of Patents  
Washington, D.C. 20230

Dear Sir:

In accordance with the provisions of 37 C.F.R. § 1.171, please prepare a title report in the matter of U.S. Patent No. 5,602,905, issued on February 11, 1997, to be placed in the Official files in the above-identified application for reissue of said patent. Title in the name of Richard P. Mettke should be reflected in the Abstract of Title as that is he is the inventor and owner of this patent, and the patent has not been assigned.

In accordance with 37 C.F.R. § 1.19(b)(4) our check including the amount of \$25.00 is enclosed.

Respectfully submitted,

Edward W. Goldstein  
Reg. No. 22945

TOBOR & GOLDSTEIN, L.L.P.  
1360 Post Oak Blvd., Suite 2300  
Houston, TX 77056  
Telephone: 713/877-1515  
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application for Reissue of:  
Patent No. 5,602,905

Patentee: RICHARD P. METTKE

Issued: February 11, 1997

For: ON-LINE COMMUNICATION  
TERMINAL/APPARATUS

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Attorney Docket No.: 6388.005

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**NOTICE OF LITIGATION**

Pursuant to §§ 1442.04 and 2000.06(c) of the Manual of Patent Examining Procedure, Applicant for Reissue Patent, Richard P. Mettke ("Mettke") files this Notice of Litigation involving Letters Patent No. 5,602,905.

Mettke has filed suit against Touchnet Information Systems, Inc., Hewlett Packard Company, and North Communications, Inc. in the United States District Court for the Northern District of Alabama alleging Touchnet Information Systems, Inc., Hewlett Packard Company, and North Communications, Inc. have infringed one or more claims of Letters Patent No. 5,602,905. Copies of the Complaints are attached hereto as Exhibit A. Mettke and Hewlett Packard Company have entered into a settlement agreement and Mettke has dismissed its causes of action against Hewlett Packard Company with prejudice.

In defense of Mettke's claim for patent infringement, the remaining Defendants, Touchnet Information Systems, Inc. and North Communications, Inc. have alleged Letters Patent No. 5,602,905 is invalid under 35 U.S.C. § 102, 35 U.S.C. § 103 and 35 U.S.C. § 112. Copies of the Answers are attached hereto as Exhibit B.

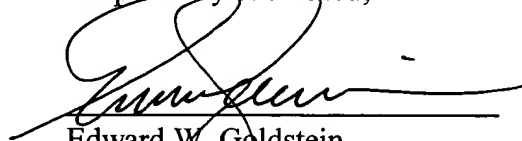
Discovery has been undertaken in the suit against Touchnet Information Systems, Inc.

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Copies of all available depositions, interrogatories with answers, and requests for production are available to the Examiner at the Examiner's request.

In the near future, Mettke will be filing a Motion to Stay the litigation proceedings until after the prosecution of the above-referenced Reissue application. Regardless of whether Mettke's Motion to Stay the litigation proceedings is granted by the Court, Mettke respectfully requests that the application for Reissue Patent be examined at this time. Mettke will notify the Commissioner of any change in the status of the litigation as required by the Manual of Patent Examining Procedure.

Respectfully submitted,



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